

# **Report to the Board of Adjustment**

Prepared by the Maricopa County Planning and Development Department

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**Case: BA 2006028**

Variance

Hearing Date:

May 10, 2006 (Continued from April 12, 2006)

Agenda Item:

25

Supervisory District:

1

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**Applicant/Owner:**

Sonia Cornell

**Request:**

**Variance to permit:**

A proposed lot coverage of 45.6% where 40% is the maximum lot coverage allowed in the R1-6 (R.U.P.D.) zoning district.

**This variance is requested from the following Zoning Ordinance Section(s):**

Section 606.5.4

**Site Location:**

26232 S. Cedarcrest Drive (Sun Lakes area)  
Sun Lakes Unit 17, Lot 32

**Site Size:**

6,820 square feet (0.16 acres)

**Existing Zoning:**

R1-6 R.U.P.D.

**Current Use:**

Residential

**Citizen**

**Support/Opposition:**

None known at the time this report was written

**Staff**

**Recommendation:**

**Deny**

## Existing On-Site and Surrounding Zoning:

1. On-site: R1-6 R.U.P.D.  
North: R1-6 R.U.P.D.  
South: R1-6 R.U.P.D.  
East: R1-6 R.U.P.D.  
West: R1-6 R.U.P.D.

## Existing On-Site and Surrounding Land Use:

2. On-site: Single-family residence  
North: Single-family residence  
South: Single-family residence  
East: Cedarcrest Drive/Single-family residence  
West: Greenbelt and lake

## Background:

3. **March 26, 1979:** The Board of Supervisors approved a Residential Unit Plan of Development (R.U.P.D.) in the R1-6 zoning district for 'Sun Lakes Section 32' (Case Z78-126). Sun Lakes Unit 17, where the subject property is located, is one of the subdivisions in Sun Lakes Section 32.
4. **November 2, 1981:** The Sun Lakes Unit 17 subdivision was recorded.
5. **1983:** A Zoning Clearance **(83-6267)** was issued for a single-family residence and fence.
6. **December 30, 2002:** The applicant purchased the subject property through a Warranty Deed.
7. **2003:** A building permit **(200306354)** was issued for an addition to the single-family residence.
8. **March 7, 2006:** The applicant applied for the subject request.

## Findings:

9. **Maricopa County Department of Transportation:** No response at the time this report was written.
10. **Flood Control Department:** No response at the time this report was written.

11. **Environmental Services:** No response at the time this report was written.
12. **Drainage Administration:** No objection to the request.

### Site Analysis:

13. The subject property is a rectangular shaped lot and is similar to others in the area. The front of the lot faces northeast and is adjacent to Cedarcrest Drive. The front (east) property line measures 62 feet, the side (north) property line measures 110 feet, the rear (west) property line measures 62 feet and the (south) property line measures 110 feet. The total area of the lot is 6,820 square feet. The property is accessed from the front of the lot directly off of Cedarcrest Drive. Currently, there is a 2,747 square foot single-family residence with attached enclosed garage on the property. The existing residence apparently meets all zoning requirements. A metal fence and a block wall are located along the apparent rear and side property lines.



Aerial view of subject site and surrounding area

14. The following table is included to illustrate the differences between the R1-6 zoning district standards, the underlying zoning district (R1-6 R.U.P.D.) standards and the standards proposed by the applicant.

Standard	R1-6 Zoning District	R1-6 R.U.P.D. Zoning District	Proposed Standard
Front Yard Setback	20-feet	15-feet	15-feet
Rear Yard Setback	25-feet	15-feet	18-feet
Side Yard Setback	5-feet	5-feet	5-feet
Street Side Setback	10-feet	10-feet	N/A
Maximum Height	30-feet/2 stories	30-feet/2 stories	15-feet/1 story
Minimum Lot Area	6000-sq. ft.	6000-sq. ft.	6,820-sq.ft.
Minimum Lot Width	60-feet	60-feet	62-feet
Lot Coverage	40%	40%	<b>45.6%</b>

\* Standards indicated in **bold** do not meet base zoning district standards.

### Land Use Analysis:

15. The subject site is located in the southeastern portion of the County, in the Sun Lakes master planned community, north and east of Hunt Highway and Dobson Road, in the Chandler area. More specifically, the site is located in Unit 17 of Sun Lakes, a subdivision that was recorded in 1981. Unit 17 of Sun Lakes is a 275-lot subdivision that is just one part of a 2,200-lot Residential Unit Plan of Development that encompasses most of Section 32, which is bounded by Dobson Road, Riggs Road, Alma School Road and Hunt Highway. This development has a centrally located open space area in the shape of a cross that is landscaped with grass, trees and several small lakes. The majority of the development is zoned R1-6 R.U.P.D.
16. Historically, the board has heard three recent cases in the immediate area. Their summaries are as follows.
- Case **BA2004012** was a request for multiple variances to permit: 1) an existing bay window to setback 3.5 feet from the side (south) property line where 5 feet is the minimum required, 2) an existing addition (covered patio) to an existing single-family residence to setback 0 feet from the side (south) property line where 5 feet is the minimum required; and 3) an existing detached accessory structure (BBQ) to setback 0 feet from the side (south) property line where 5 feet is the minimum required in the R1-6 R.U.P.D. zoning district (0.15 acres). Request # 3 was denied and requests 1 & 2 were approved with stipulations on June 9, 2004. The site address is 25220 S. Cloverland Drive, approximately one mile northeast of the subject site.

- Case **BA2003023** was a request to permit a proposed attached garage extension/carport enclosure to setback 13 feet from the (east) property line where 15 feet is the minimum required in the R1-6 R.U.P.D. zoning district. This request was approved on April 9, 2003. The site address is 25826 S. Boxwood Drive, approximately one-half mile northeast of the subject site.
- Case **BA2003010** was a request to permit a proposed (under construction) addition to an existing single family residence to setback 5 feet from the street side (south) property line where 10 feet is the minimum required in the R1-6 R.U.P.D. zoning district. This request was approved on March 12, 2003. The site address is 26229 S. Cedarcrest Drive, across the street from the subject site.

## Plan Analysis:

17. The applicant is requesting to allow proposed additions to an existing single-family residence to increase the total lot coverage to approximately 45.6% where 40% is the maximum allowed in the R1-6 R.U.P.D. zoning district. The proposed additions would be located partially to the rear and partially to the north side of the existing house, with the more substantial addition located over the patio off the northwest corner and at the rear of the house. Where it is attached to the existing house, the approximately 320 square foot patio cover would square the back corner of the house and eliminate the existing "zigzag" in the roof line. The site plan that was submitted indicated that the proposed additions would meet the setback requirements. It showed that the larger addition would set back 18 feet from the rear property line where 15 feet is the minimum required and approximately 8 feet from the side property line where 5 feet is the minimum required. The smaller, (approximately 35 square foot) addition would be flush with the existing north roofline of the house. The total square footage of the house with the new additions would be approximately 3,107 square feet. With that amount of square footage the total lot coverage would then be approximately 45.6% and would thus exceed the 40% maximum allowed.
18. As mentioned previously, the subject property is located in a Residential Unit Plan of Development (R.U.P.D.) and is therefore already subject to relaxed zoning standards. A comparison of the base zoning (R1-6) standards to the R1-6 R.U.P.D. zoning standards, as presented in paragraph 13 of this report, shows that the front and rear yard requirements are less stringent. The R1-6 zoning district allows for a minimum front yard setback of 20 feet and for a minimum rear yard setback of 25 feet. The Residential Unit Plan of Development approved for this development allows for a minimum front yard and rear yard setback of only 15 feet. The existing residence sets back 15 feet from the front lot line.
19. The subject property is a 6,820 square foot lot. A comparison of the subject property to neighboring lots shows that the subject property is typical in size as compared to most lots in the immediate area bordering the greenbelt and lake. Lots not bordering the greenbelt and lake are typically somewhat larger in size.

20. The applicant does not cite any specific physical or topographical hardship other than the apparent drainage problems partially created by the roofline of the house. While staff is sympathetic to the applicant's desire to improve drainage and add shade, it does not constitute grounds for a variance. Staff recommends that this request be denied as alternative remedies appear to be available that would not increase the calculable lot coverage.

**Recommendation:** (BA 2006028)

21. Staff recommends the variance request be **denied** for the following reasons:
- There are reasonable alternative solutions available to the applicant that would eliminate the need for this variance.
  - The request conflicts with the intent of the Zoning Ordinance and approval of this request may result in a negative impact on adjacent properties.
  - The property is already subject to relaxed zoning standards because it is located in a Residential Unit Plan of Development (R.U.P.D.) zoning district.
  - There is a reasonable use of the property without this variance.
22. Should the Board determine that a reasonable use of the property cannot be made without the granting of this variance, this request may be approved subject to the following stipulations:
- a) General compliance with the site plan entitled 'Cook Remodeling & Custom Construction' and stamped received March 7, 2006.
  - b) The applicant shall obtain all necessary permits prior to commencing construction.

gcb

**Attachments:** Case Map BA2006028  
Zoning Map  
Assessor's Map  
Site Plan entitled 'Cook Remodeling & Custom Construction'  
Application  
Supplemental Questionnaire (2 page attachment)  
Photographs (2 pages)